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ABSTRACT

These suggested guidelines and model codes for student conduct and discipline represent an update of 1972 minimum standards in keeping with current statutes and court decisions. The Oregon State Board of Education published this document to provide guidance to local school districts in formulating discipline policies. The state standards listed here lay the groundwork for enforceable local rules of student conduct and discipline that will stand up to challenge in court. The state board emphasizes that once school districts adopt these guidelines they must follow them conscientiously. This document contains model codes relating to assembly of students, dress and grooming, the use of tobacco, corporal punishment, student records, and suspension and expulsion. The text of Oregon statutes and administrative rules pertaining to standards of student conduct are also included. (Author/DS)

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STUDENT CONDUCT AND DISCIPLINE

Minimum Standards
Oregon Administrative Rules 581-21-050 through 581-21-075
Adopted by the State Board of Education May 12, 1972

Suggested Guidelines and
Model Codes

Revised edition, 1977

Oregon Department of Education
942 Lancaster Drive NE
Salem, Oregon 97310

EA 009 742

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FOREWORD

Following detailed legal research and numerous public meetings, the State Board of Education in 1972 adopted minimum standards for student conduct and discipline. These standards have now been updated in keeping with current statutes and court decisions. In addition to these standards, which are in the official form of Oregon Administrative Rules, nonmandatory guidelines and model codes have been included in this publication as an aid to local districts.

This document provides guidance to teachers and administrators in times of legal and social challenge.

Increasingly, the courts are evaluating the schools' decisions, their written rules, and the methods by which these rules were created. These standards lay the groundwork for enforceable local rules of student conduct and discipline, which, it might be added, "pass muster" if challenged in court. Once adopted, these and similar rules, guidelines and codes must be followed in practice.

It is our purpose to deal realistically and constructively with problems of student conduct, while at the same time to insure fair treatment for all concerned.

Verne A. Duncan
State Superintendent
of Public Instruction

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AUTHORITY

Oregon Revised Statutes

Oregon Revised Statutes
339.240 Rules of pupil conduct and discipline; duties of state board and district school boards.

(1) The State Board of Education in accordance with ORS chapter 183 shall prepare and promulgate to all school districts minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements.

(2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto. Such rules must comply with minimum standards promulgated by the State Board of Education under subsection (1) of this section.

Oregon Administrative Rules

Student Conduct and Discipline

Minimum Standards for Student Conduct and Discipline

581-21-050 (1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:

(a) Assembly of students
(b) Dress and grooming
(c) Motorized and nonmotorized vehicles
(d) Search and seizure
(e) Attendance
(f) Freedom of expression
(g) Alcohol, drugs, and tobacco
(h) Physical discipline
(i) Student records
(j) Discipline, suspension, and expulsion

(2) School district rules pertaining to these topics shall include statements on student rights, responsibilities, and conditions which create a need for these rules.

Standards of Conduct

581-21-055 (1) Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.

(2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:

(a) Theft
(b) Disruption of the school
(c) Damage or destruction of school property
(d) Damage or destruction of private property on school premises or during a school activity
(e) Assault or threats of harm
(f) Unauthorized use of weapons or dangerous instruments
(g) Unlawful use of drugs, narcotics, or alcoholic beverages
(h) Persistent failure to comply with rules of the lawful directions of teachers or school officials.

Procedures

581-21-060 (1) School district boards shall establish fair and reasonable procedures for discipline, suspension, or expulsion.

(2) Those local district boards that choose to allow physical discipline shall develop written procedures and controls which provide reasonable protection for students, parents, and school personnel.

Suspension

581-21-065 (1) Students may be suspended when such suspension contains within its procedures the elements of prior notice (581-21-075) specification of charges, and all opportunity for the student to present his view of the alleged misconduct. The suspending official shall notify the student's parent or guardian of the suspension, the conditions for reinstatement, and appeal procedures, where applicable. These procedures may be postponed in emergency situations relating to health and safety.

(2) Emergency situations shall be limited to those instances where there is a serious risk that substantial harm will occur if suspension does not take place immediately.

(3) School district boards shall provide students suspended under emergency conditions with the rights outlined in section (1) of this rule as soon as the emergency condition has passed.

(4) In all suspensions ordered by the executive officer of the school district or his designated representative, the district school board shall have the right of final review if the action is not taken by the school board itself.

(5) School district boards shall limit suspensions to a specific maximum number of days. That maximum shall not exceed seven calendar days.

(6) School district boards or designated representatives shall specify the methods and conditions, if any, under which the student's school work can be made up.

(7) In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, or incarceration by court action.

Expulsion

581-21-070 (1) A school district board may expel, or delegate authority to a hearings officer to expel, a student provided the student is not expelled without a hearing unless the student's parent(s) or guardian, or the student, if 18 years of age, waives the right to a hearing. Waiver may take place by the parent or the student, if 18 years of age, notifying the school district in writing of waiver of the right to a hearing. Waiver may also take place by the parent, or the student, if age 18 or over, failing to appear after notice, at the place and time set for the hearing.

(a) If the school board acts to expel, the hearing may be conducted by a hearings officer designated by the board. In

cases where the hearings officer is conducting the expulsion hearing for the board, the hearings officer shall provide to the board the findings as to the facts, the recommended decision and whether or not the student is guilty of the conduct alleged. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over.

(b) If the authority to expel a student is delegated to a hearings officer, the parent, or student, if age 18 or over, shall have the right upon appeal to a board review of the decision. If the decision is appealed to the board for review, the board shall be provided findings as to the facts and the decision of the hearings officer. This material shall be made available at the same time to the parent or guardian, and to the student, if age 18 or over. When appealed, the board will affirm, modify, or rescind the decision of the hearings officer.

(2) Student expulsion hearings shall be conducted pursuant to ORS 332.061.

(3) Expulsion hearing policies or rules shall contain provisions for the following:

(a) Notice to the student and to the parent or guardian shall be given by personal service or certified mail of the charge or charges and the specific facts that support the charge or charges. The notice shall include the statement of intent to consider the charges as reason for expulsion. Where notice is given by personal service, the person serving the notice shall file a return of service. Where notice is given by certified mail to a parent of a suspended student the notice shall be placed in the mail at least 5 days before the date of the hearing.

(b) Where the student or the student's parent cannot understand the spoken English language an interpreter shall be provided by the district.

(c) The student may be represented by counsel or other persons.

(d) The student shall be permitted to introduce evidence by testimony, writings, or other exhibits.

(e) The student shall be permitted to be present and hear the evidence presented by the district.

(f) Strict rules of evidence shall not apply to the proceedings. However, this provision shall not limit the hearings officer's control of the hearing.

(g) The hearings officer or the student may make a record of the hearing.

Distribution

581-21-075 (1) School district boards, or designated representatives, shall attempt to give widest possible distribution to their rules of pupil conduct and discipline in order that students may understand the expectations of the district.

(2) School districts shall make reasonable attempts to give a copy of their current rules to each student, and a copy of the current rules shall be posted in a prominent place in the schools of the district.

(3) School districts shall make these rules available to the general public upon request.

GUIDELINES

Introduction

Some critics of the schools tend to express their concerns in terms of student responsibilities without relating them to rights. The reverse of this is also true. Some express their concerns in terms of rights, without relating them to responsibilities. Rights and responsibilities should be viewed as two inseparable parts of the same issue.

Educational institutions can do much to eliminate conditions that produce student misconduct by spelling out student rights and responsibilities in clear, concise language, and by developing clear rules for student conduct and orderly and consistent procedures for handling conduct.

School staff, students and parents must all assume responsibility for appropriate behavior in the school setting. Students should see the school as a symbol of opportunity, where rights and responsibilities are equally emphasized and human dignity protected.

The courts have generally held that school authorities have the right to develop codes of conduct which provide for the orderly operation of the educational process without infringing upon the constitutional rights of those who must obey the codes.

Oregon law treats student discipline, suspension, expulsion and codes of conduct in Chapter 339 of Oregon Revised Statutes. It covers property damage and the penalties for such damage.

Current State Board policies reflect a commitment to maintaining a school system in which every individual must share the rights, the duties, and the responsibility of government. Local school district policies should also reflect this commitment, by giving students opportunities to learn responsibility. In addition, State Board policies indicate the Board's acceptance of responsibility for adopting rules for the general governance of the schools which will create a climate that is free from discrimination, and is safe and healthy.

State Board of Education Goal

One goal of the State Board of Education is that the public schools shall help each student to achieve maximum development of individual knowledge, skills, and competence, and to learn behavior patterns which will develop a responsible, contributing member of society.

Implementation

These guidelines have been prepared to aid local districts in developing local policies which will assure that:

(1) Equal opportunity and equal treatment are provided every student without discrimination.

(2) Fairness and reasonableness required by due process are the essence of conduct codes.

(3) All students are assured consistency of discipline.

(4) Student conduct enables both school staff and students to do their best. Results of the teaching-learning process are enhanced by an orderly educational environment.

(5) Learning takes place in an atmosphere of open communication, self-discipline, and clearly understood control. Expectations in this area are clearly outlined.

Code Preparation and Distribution

(1) During preparation and revision of student conduct codes, districts should seek wide local input from students, teachers, administrators, community members, attorneys, and agencies of local government.

(2) Districts should have the benefit of legal research to assure that their codes are in keeping with laws and ordinances.

(3) Districts should review existing policies, including those that relate indirectly to pupil conduct and discipline, to avoid conflicts.

(4) Districts should provide in their procedures for regular review of their codes to assure that these codes continue to reflect local conditions, community attitudes, changes in the law and new court rulings.

(5) Districts should give careful consideration to brevity, clarity, and readability. Codes should contain positive, rather than negative, rules and regulations.

(6) Local district boards may wish to consider more than one code of pupil conduct and discipline because certain concerns for younger students may not be relevant to older students.

(7) Since titles and assignments differ among districts, the specific responsibilities for implementing various portions of the code must be spelled out clearly in local rules.

(8) Districts should consider mailing copies of their codes to each parent or guardian in the district.

(9) Copies of the codes may be placed on local public bulletin boards.

(10) Copies of the codes should be distributed to local news media.

(11) Districts should establish procedures insuring that transfer students and their parents receive copies of the codes.

ASSEMBLY OF STUDENTS

It is important to the orderly use of school facilities that the use of all space should be planned in advance whenever possible. Students, faculty, and administration are *all* in some measure responsible for the activities that are conducted in a school. Indeed, school personnel are held *accountable* to a public, a school board, a legislature that gives fiscal support; *accountable* for the image of the institution. In addition, all members of the school community are *accountable* to each other.

Guidelines

(1) *RIGHT:* Students shall be permitted to hold student meetings on school property.

(2) *RIGHT:* Students shall have the right to gather informally.

(3) *RESPONSIBILITIES:* Student meetings

(a) The meeting should be scheduled in advance.

(b) Normal class activities shall not be disrupted.

(c) The meeting shall not be such as may be likely to incite hazard to person or property.

(d) The meeting shall be sponsored by school officials or an official school club or organization.

(e) If a crowd is anticipated, a crowd control plan shall be filed in the appropriate office well in advance of the meeting. Attempts shall be made to present a balance of viewpoints.

(4) *RESPONSIBILITIES:* Informal student gatherings

(a) Students gathered informally shall not disrupt the orderly operation of the educational process.

(b) Students gathered informally shall not infringe upon the rights of others to pursue their activities.

DRESS AND GROOMING

Dress and grooming while in school is basically an individual responsibility of student and parent. When dress and grooming disrupts the learning process, affects the individual student, other students, or the learning climate of the school, it becomes a matter for counseling with the student and/or parent.

The total learning climate of a school is important to the satisfactory progress of students. The environment should be such that the teaching-learning process can flourish with as few constraints as possible.

Guidelines

(1) *RIGHT:* The district school board shall place any rules and regulations on dress and grooming in writing and make such rules widely available to parents and students. Any such rules and regulations must be clear and have a more explicit rationale than some undefined sense of good taste.

(2) *RIGHT:* Student dress and grooming is the responsibility of the individual and parent under the following guidelines:

(3) *RESPONSIBILITIES:*

(a) Dress and grooming shall be clean and in keeping with health, sanitary, and safety practices.

(b) When a student is participating in special activities, dress and grooming shall not disrupt the performance or constitute a health or safety hazard to the individual or other students.

(c) Provisions for dress and grooming in special activities should be appropriate to the needs of the activity and not arise from some undefined sense of individual taste.

(d) Dress and grooming shall not be such as to disrupt the teaching-learning process.

MOTOR VEHICLES

Certain school regulations are necessary because of insufficient parking, dangerous traffic patterns and reckless driving habits of a few. It is the desire of many parents to have the school know where their children are during the school day.

Guidelines

(1) *RIGHT:* If the school provides areas for student vehicles on school grounds, rules and regulations governing the use of student vehicles shall be reasonable and widely circulated. Permission to drive a vehicle onto the school grounds may be revoked only for demonstrated cause.

(2) *RIGHT:* Any licensed driver may drive a vehicle onto the school grounds under the following conditions.

(3) *RESPONSIBILITIES:*

(a) All such vehicles must be registered with the school administration.

(b) No student vehicles will be permitted to leave the school grounds during the hours in which school is in session without the permission of the school administration.

(c) School rules, courteous and preventive driving procedures, and local and state traffic laws must be followed when operating vehicles on school grounds; these rules should be posted.

SEARCH AND SEIZURE

Students, as all citizens, have a Fourth Amendment right to be secure in their persons against unreasonable search and seizure. This right, however, has been applied less stringently in the schoolhouse than in the outside community because the school has the duty to protect its students and because the school is sometimes the location of many common objects of search.

The board seeks to create a climate in the schools which assures the safety and welfare of all. Equipment, such as lockers, belongs to the school district, and students are allowed to use this equipment as a convenience. The school may insist that lockers be properly cared for and not used for the storage of illegal items.

Guidelines

(1) *RIGHT:* At the time of locker assignment or registration, students will be informed of the conditions of use governing the locker.

(2) *RIGHT:* Students may be assured that the rights of the individual shall always be balanced with the needs of the school. In a search-and-seizure situation, the following procedures shall be followed:

(a) A search of a student's person should be limited to a situation where there is probable cause that the student is hiding evidence of an illegal act or school violation.

(b) Illegal items (firearms, weapons, etc.), or other possessions reasonably determined by the proper school authorities to be a threat to the safety or security of the possessor or others may be seized by school officials.

(c) Items which may be used to disrupt or interfere with the education process may be temporarily removed from the student's possession.

(d) From time to time, upon reasonable advance notice, a general inspection of school properties, including, but not limited to, lockers or desks may be conducted. Items belonging to the school may be seized.

(e) All items seized shall be returned to the proper authority or true owner.

(f) Students shall be given the opportunity to be present when a search of personal possessions is conducted, if they are in attendance at school, and if there is no reason to believe that their presence would endanger their health and safety.

(3) *RESPONSIBILITY:* Students shall not bring to school firearms or other possessions reasonably determined by the proper school authority to be a threat to the safety or security of themselves or others. Students shall not conceal evidence in an illegal act or school violation.

ATTENDANCE

Irregular attendance is one of the prime factors associated with student failure and frustration with the school experience.

One fundamental purpose for insisting on punctual, regular school attendance is to help students develop habits of responsibility which will help students succeed now and in adult life.

School officials must make every effort to reinforce the compulsory attendance laws of the state.

Guidelines

(1) *RIGHT:* The school shall make every effort to provide useful experiences and to encourage full individual development for each student.

(2) *RIGHT:* Whenever possible, counseling and home teaching will be provided for a student during long periods of illness.

(3) *RIGHT:* Attendance regulations shall be reasonable, enforceable, and shall consider the entire program of the school.

(4) *RESPONSIBILITIES:*

(a) Each student shall comply with the rules and regulations of the school and shall pursue the prescribed course of study.

(b) Students shall be punctual in reporting to school and to classes and shall attend regularly. Since absence from class is an important matter, clear local policies should spell out provisions governing both excused and unexcused absences.

(c) Students may not attend school when they or others in the home have a communicable disease, unless such attendance is authorized by a qualified health official.

(d) Students may not attend school when they have been excluded for disciplinary reasons.

(e) Students may be excused from school attendance as provided by state statutes and rules.

FREEDOM OF EXPRESSION

One of the basic purposes of schooling is to prepare students for responsible self-expression in a democratic society. Citizens in our democracy are permitted free expression under the First and Fourteenth Amendments of the U.S. Constitution and under Article I, Section 8, of the Oregon Constitution. Students, as citizens, have the right to free expression and must bear the responsibility for the consequences of such expression.

Since schooling is a learning experience, the matter of free expression must also be viewed as a part of the learning process. Therefore, when school officials or their representatives have reason to believe that students are unaware of the possible consequences of their expression, they may find it necessary to review publications and speeches to be given by students and to advise on matters of libel, slander, journalistic ethics, and the probable effect of statements or writings on the orderly operation of the school.

Guidelines

(1) *RIGHTS:*

(a) Students are entitled to express their personal opinions under reasonable circumstances.

(b) Students are encouraged to express personal opinions in writing in school publications and participate in publishing school publications. The publishing and editorial policies governing school publications will be in written form.

(c) Under certain conditions, which should be spelled out locally, students may obtain school authorization to sell materials or engage in activities which solicit student financial contributions.

(d) Students may refuse to participate in patriotic exercises as long as the manner of such nonparticipation does not disrupt the educational process.

(e) Students may wear certain distinctive insignias so long as they do not trespass on the rights of others or interfere with the orderly operation of the school program.

(2) *RESPONSIBILITIES:*

(a) Symbolic and actual freedom of expression shall not interfere with the freedom of others to express themselves. The use of profane or obscene language and threats of harm to persons or property are prohibited.

(b) Willful disobedience, open defiance of a teacher's or school official's lawful authority, shall be sufficient cause for discipline.

(c) Any publication sponsored or in any way funded by the school shall be known as a school publication, as opposed to a student publication. For example, a school newspaper should reflect the total life of a school community. Even though the publication may be accomplished by student effort, the student has a responsibility to the total school community. Libelous and profane or obscene matter are prohibited from all school publications. The school's duty to maintain the student's right to free speech, and its duty to educate pupils and protect the rights of all students, need careful consideration when either duty tends to conflict with the other.

USE OF TOBACCO

Who should be allowed to use tobacco in public schools? Wide differences of opinion are held by students, school officials, parents, smokers, and nonsmokers. Concerns are expressed in terms of scientific evidence that shows that the use of tobacco is a hazardous habit at best. In addition, most public schools are not designed to accommodate large numbers of smokers of any age. Health, safety, and educational concerns are all factors to be considered in developing a tobacco policy.

Guidelines

(1) *RIGHTS:*

(a) The question of who should be considered a lawful user of tobacco in schools remains a controversial one. Oregon law is currently silent on who may use tobacco. Oregon law is clear, however, in stating that it is illegal to sell tobacco to an individual below the age of 18, as it is in fact endangering the welfare of a minor.

(b) The rights of the nonuser must be weighed with the rights of the user.

(2) *RESPONSIBILITIES:*

(a) Students, while on school premises of the district, may use tobacco only if they are 18 years of age or older.

(b) Tobacco users on school premises will confine their use to times and places designated by the district school board.

PHYSICAL DISCIPLINE

School administrators and teachers are like parents in that they differ widely on their approach to student discipline, especially physical discipline. It is vital that the policy-making body of any school develop a clear statement on this subject to give guidance to all students, parents, and school personnel. It is reasonable to assume that what a district board might authorize in grade 3 might not be endorsed for grade 12.

If the school district chooses to authorize physical discipline, such discipline should be administered only after careful observation of students' rights.

Guidelines

(1) *DEFINITION:* Physical discipline as used here means spanking.

(2) *RIGHT:* Students shall be administered physical discipline only after less severe control measures have been found ineffective.

(3) *RIGHT:* Students have a right to know the nature of the offense for which they are charged, and to a fair and reasonable physical discipline appropriate to the offense and age of the child.

(4) *RESPONSIBILITIES:*

(a) The principal or designee shall administer physical discipline free from the presence of other students or children, but witnessed by a certificated staff member.

(b) A teacher shall administer physical discipline free from the presence of other children, but witnessed by the principal or designee.

(c) The student shall be given physical discipline only within the bounds of moderation and prudence suited to the gravity of the offense, and the physical condition and size of the child.

(d) The student may expect that physical discipline shall not be cruel or excessive, or administered wantonly from maliciousness or passion.

(e) The parent or guardian of a student receiving physical discipline may expect to be informed by the principal or designee of the occasion and type of discipline administered. A record of the event, signed by the person administering the punishment and the witness, will be placed in the student's behavioral record.

(f) Children may be exempt when the parent or guardian requests in writing that the child be free from physical discipline.

STUDENT RECORDS*

All public schools are required to keep certain records relating to their students. Local school board policies are required to control the use of such records in accordance

*Help may be found in two Department of Education documents: *Student Records, a Suggested Guide for School Districts,* January 1975, and *A Guide for the Conduct of School Hearings,* December 1975.

with state and federal law. Progress records are required to be transferred to another educational institution upon notification of enrollment. Behavioral records may be transferred only upon request of the parent or guardian or eligible student.

Guidelines

(1) *DEFINITIONS:*

(a) *Student Records*–include all records relating to students maintained by any school.

(b) *Student Behavioral Records*–student records which include psychological tests, personality evaluations, records of conversations, and any written transcript of incidents relating specifically to student behavior.

(c) *Student Progress Records*–student records which include transcripts of grades and courses taken, records of attendance, tests relating specifically to achievement or measurement of ability, and records of health.

(2) *RIGHT:* All student records shall be confidential and shall be open for inspection only in accordance with the law and such rules and regulations as duly adopted by the district school board. Personnel having access to student records shall not violate the confidentiality of those records.

(3) *RESPONSIBILITIES:*

(a) The local school board shall adopt rules and regulations to provide that all student records maintained by any elementary or secondary school in the district shall be available for inspection by any parent or legal guardian requesting to see such individual records. However, student behavioral records shall be released only in the presence of an individual qualified to explain or interpret the records.

(b) Release of student behavioral records for use in any proceedings, civil or criminal, in any court in this state, will be made only by the superintendent or his designated representative, or with the consent of the student or juvenile so confiding or to whom such records relate if the student is 18 years of age or over or otherwise eligible, or if the person is a minor, with the consent of the parent or legal guardian. Release shall be made only in the presence of an individual qualified to explain or interpret the records.

(c) Student progress records shall be available to all teaching staff with a demonstrated educational interest and to parents or legal guardians.

(d) Parents have the right to challenge the content of their student's records if they believe the record is inaccurate, inappropriate or misleading. Parents have a right to a hearing to raise objections concerning the content of the record.

(e) Parents or eligible students have a right to a copy of their records if they desire, but may be required to pay the cost.

(f) Parents and students must be notified annually of their rights relating to student records.

(g) Certain information, known as directory information, may be released by the school if prior public notice has been given to students and parents. The following types of information may be designated as directory information: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

The parent may, by notice to the school, prevent the school from publishing any or all such information relating to the child unless written consent is given prior to each release.

(h) Copies of the district records should be readily available for examination by authorized parties.

DISCIPLINE-SUSPENSION-EXPULSION

All students deserve reasonable safeguards in the consideration of all matters affecting their school life. Careful attention must be given to procedures and methods whereby fairness and consistency in discipline shall be assured each student.

Special problems confront administrators and teachers in conducting schooling programs free from disruption and free from the kinds of distracting behavior which impede student learning. School officials may find it necessary, occasionally, to discipline a student or even to remove the student from the formal learning environment for a period of time.

Teachers and administrators need discretionary powers in invoking disciplinary actions and procedures, and in maintaining a climate conducive to learning and protection of life and property.

School disciplinary actions are civil, not criminal matters. Schools must clarify rights and procedures that assure fair treatment for each student in a learning environment.

Guidelines

(1) *RIGHTS:*

(a) Fair treatment for students shall be such as to protect them from arbitrary and unreasonable decisions.

(b) All decisions affecting students shall be based on the careful and reasoned investigation of these facts and the consistent application of rules and regulations.

(c) All students shall be apprised of the school rules and procedures by which schools are governed and the processes by which discipline may be exercised.

(2) *RESPONSIBILITIES:*

(a) Students shall comply with the rules for school government, pursue the prescribed courses of study, and submit to the lawful authority of teachers or school officials.

(b) The following types of conduct shall make the student liable for discipline, suspension and/or expulsion:

1. *Disruption of school*–Any conduct that substantially disrupts a school function, or is likely to do so, is forbidden.

2. *Damage to or theft of school property*–A student shall not cause or attempt to cause damage to school property, or steal or attempt to steal school property.

3. *Damage to or theft of private property*–A student shall not cause or attempt to cause damage to private property, or steal or attempt to steal private property either on the school grounds or during a school activity, function or school event off school grounds.

4. *Threats or assault on a school employe, another student, or other person not employed by the school; weapons and dangerous instruments*–A student shall not intentionally do bodily injury to any person or threaten any person, or knowingly possess, handle or transmit any object that can reasonably be considered a weapon:

a. On the school grounds during and immediately before or immediately after school hours,

b. On the school grounds at any other time when the school is being used by a school group, or

c. Off the school grounds at any school activity, function, or event.

5. *Narcotics, alcoholic beverages, and drugs*–A student shall not knowingly possess, use, transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, or intoxicant of any kind:

a. On the school grounds,

b. Off the school grounds at a school activity, function or event.

Use of a drug authorized by a medical prescription from a registered physician for use *during* school hours shall not be considered a violation of this rule.

6. *Other violations*–A student shall not repeatedly fail to comply with directions of teachers or other authorized school personnel during any period of time when that student is properly under the authority of the school. Students who do not respond to guidance or minor discipline, or are consistently at odds with school discipline, must accept the consequences of such action. Willful disobedience, open defiance of a teacher's authority, or the repeated use of profane or obscene language or gestures is also sufficient cause for discipline, suspension or expulsion from school.

(3) *PROCEDURES:*

(a) *Definitions:*

1. *Summary Discipline*–discipline for a minor infraction which may be handled without going through all the steps of formal procedure.

2. *In-School Suspension*–suspension of refractory students from class attendance (not to exceed one day) in which the student may choose to perform work in and around school as a penalty.

3. *Out-of-School Suspension*–An exclusion from school for a period not to exceed seven days, or as provided in OAR 581-21-065 (7).

4. *Expulsion*–release of a student from school attendance for a period of time not to extend beyond the current term or semester unless the semester ends within such a short period of time that the expulsion would be too short to be effective, but in no event to extend beyond the second term or semester.

(b) *Grading and Discipline*–The use of grading procedures as a form of discipline is seldom justified unless clear written educational goals and objectives demonstrate that poor attendance automatically reduces student progress in a course of study or activity. At a minimum, any use of grade reduction as a form of discipline should be included in the district's written policy on grading.

(c) *Retention of Records*–In all cases, a written record shall be maintained in the student's record for at least two years.

(d) *Suspension Procedures**–The student should have notice of charge(s) in such terms as will permit a changed course of conduct, or afford an opportunity to defend the right to engage in the conduct, or show innocence of the conduct charge.

1. Suspension procedures shall be consistent with the provisions of OAR 581-21-065 (1) through (7). (See page 1.)

2. Additional procedures should include the following:

a. The student is informed of the charge, including the specific acts that support the charge, and that suspension is for out-of-school suspensions. The student may be sent home for no longer than a seven-day period. In special circumstances a suspension may be continued until some specific pending action occurs, such as a physical or mental examination, or incarceration by court action.

b. The parent or guardian is notified of the suspension immediately by telephone whenever possible, and the reasons for the action. If that person cannot be contacted, the decision to send the student home, to allow the student to remain on school premises, or to refer the student to the proper authorities must be made with consideration of the student's age, maturity, and the nature of the misconduct that caused the suspension.

c. A letter is mailed to the parent or guardian with a copy to the appropriate superintendents, stating the time, date, the charge, and the specific acts that support the charge for the suspension, with procedures to be followed by the student and the parent or guardian for reinstatement or appeal.

d. The parent or guardian may request and be given a conference with the building principal.

e. *Expulsion Procedures**

1. Expulsion procedures shall be consistent with provisions of OAR 581-21-070 (1) through (3g). (See page 1.)

2. Additional procedures should include the following:

a. Temporary expulsion to protect the health and safety of the student and others may be at the order of the district administrator after investigation of the facts and prior to completion of the above steps and actions by the board.

*Additional assistance for the conduct of suspension or expulsion hearings may be found in the Department of Education publication: *A Guide for the Conduct of School Hearings*, December 1975.

b. Expulsion of a student shall not extend beyond the current term or semester unless the semester ends within such a short period of time that the expulsion would be too short to be effective. However, the expulsion shall not extend beyond the second term or semester.

c. Following expulsion of a student, the district school board may propose alternative programs of instruction or counseling, or both, for the student.

d. Any hearing held by the district school board or its hearings officer on the matter of expulsion of a minor student from a public elementary or secondary school shall be conducted in executive session of the board or privately by the hearings officer unless the student or the student's parent or guardian requests a public hearing.

e. If an executive session is held by the district school board or a private hearing is held by its hearings officer under this section, the following shall not be made public:

1. The name of the minor student
2. The issue
3. The discussion
4. The school board member's vote on the issue.

f. The school board members may vote in an executive session conducted pursuant to sections (d) and (e) above and appropriately record the action in the minutes of that meeting.